

October 2, 2024

**VIA ECF**

The Honorable Vincent L. Briccetti  
United States District Court for the Southern District of New York  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

Re: *Jimenez v. Artsana USA, Inc.*, Case No. 21-cv-07933-VB

Dear Judge Briccetti:

The undersigned represent Plaintiffs and the certified Settlement Class, as well as Artsana USA, Inc. (together, the “Parties”), in the above-referenced matter. Pursuant to the Court’s Endorsed Order issued on September 19, 2024 (Dkt. 121), the Parties provide the following status update.

As the Parties informed the Court in their prior correspondence (Dkt. 120), on September 10, 2024, Artsana provided the settlement administrator (Angeion) with a list of 8,074 eligible products purchased on ChiccoUSA.com during the class period. Since receiving that list, Angeion has determined that 5,548 class members who purchased a total of 6,111 eligible booster seats were not originally sent direct notice (because they were not on the February 2023 list of purchasers who registered a product). In addition, Angeion has informed the Parties that of those 5,548 class members, 97 have already filed claim forms (associated with 110 products).

Artsana has provided Angeion with contact information, including email addresses, associated with the 8,074 direct purchases. The Parties agree that direct notice should be provided to all individuals who were entitled to direct notice under ¶¶ 57 and 58 of the Settlement Agreement and ¶¶ 7 and 8 of the Amended Preliminary Approval Order entered February 3, 2023 (ECF No. 52), but (a) did not receive direct notice and (b) have not already filed a claim (which would indicate they got notice through other means). The Parties agree that such direct notice should provide additional time for recipients to file a claim for \$50 or to opt-out of or object to the Settlement.

Moreover, the Parties agree that direct notice should be provided primarily by email with a reminder email sent within a reasonable time frame after the initial email. This is consistent with ¶ 58 of the Settlement Agreement, which provides that direct notice was to be emailed to Settlement Class Members at an e-mail address reflected in Artsana’s reasonably available computerized records with an additional e-mail sent within 30 days of the initial e-mail notice.

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The Parties agree that consistent with ¶ 60 of the Settlement Agreement, if any emailed notice is returned as undeliverable, Angeion will send a postcard notice by U.S. mail, postage prepaid, to the extent a current physical mailing address is available. The Parties and Angeion will discuss the feasibility of Angeion performing a “skip trace” to update contact information for notice recipients and will negotiate appropriate timeframes for recipients to file a claim or opt-out of or object to the Settlement.

The Parties and Angeion are discussing the forms of notice and potential claims, exclusion, and objection processes. The Parties will confer to propose a schedule that takes into account the time necessary for dissemination of the notice, affords a reasonable time to file a claim or otherwise respond, and provides deadlines for Angeion and the Parties to complete the deficiency and appeal process and finalize this settlement in advance of the final approval hearing.

Angeion is continuing to investigate the results of the deficiency and appeal process as the Parties informed the Court. Dkt. 120. On September 30, Angeion provided the parties with revised numbers of the tentatively “approved” claims. The Parties are reviewing Angeion’s numbers and will confer with Angeion regarding the results.

By no later than October 16, 2024, the Parties will propose a new scheduling order to the Court. The Parties thank the Court for its continued assistance in addressing the unique issues that have arisen in this matter. If the Court has any questions, we are available at your convenience.

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Respectfully submitted,

**BURSOR & FISHER, P.A.**

By: /s/ Alec M. Leslie

Alec M. Leslie  
1330 Avenue of the Americas  
New York, NY 10019  
Telephone: (646) 837-7150  
Facsimile: (212) 989-9163  
Email: aleslie@bursor.com

**MILBERG COLEMAN BRYSON  
PHILLIPS**

**GROSSMAN, PLLC**

Martha A. Geer  
900 W. Morgan Street  
Raleigh, NC 27603  
Telephone: (919) 600-5000  
Facsimile: (919) 600-5035  
Email: mgeer@milberg.com

**VOZZOLO LLC**

Antonio Vozzolo  
Andrea Clisura  
345 Route 17 South  
Upper Saddle River, NJ 07458  
Telephone: (201) 630-8820  
Facsimile: (201) 604-8400  
Email: avozzolo@vozzolo.com  
aclisura@vozzolo.com

*Co-Class Counsel*

**GIBSON, DUNN & CRUTCHER LLP**

By: /s/ Christopher Chorba

Christopher Chorba (*Pro Hac Vice*)  
CChorba@gibsondunn.com  
Jeremy S. Smith (*Pro Hac Vice*)  
JSSmith@gibsondunn.com  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Tel.: (213) 229-7000

Jason W. Myatt  
JMyatt@gibsondunn.com  
200 Park Avenue  
New York, NY 10166-0193  
Tel.: (212) 351-4000

*Attorneys for Artsana USA, Inc.*